

REMARKS

Claims 1-4, 6-13, 15, 17-29, 31-41, 43, 45-53, 55, and 57-61 have been rejected by the final Office Action. After entry of the present amendment, claims 1-4, 6-13, 15, 17-29, 31-41, 43, 45-53, 55, and 57-61 remain pending in the application. The present amendment amends independent claims 1, 9, 22, 36, and 50 to clarify the respective scope of the claimed inventions of claims 1, 9, 22, 36, and 50. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

In the final Office Action, claims 1-4, 6-13, 15, 17-29, 31-41, 43, 45-53, 55 and 57-61 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Goeller, et al., U.S. Patent Publication No. 2002/01788112 (“Goeller”). By the present amendment, independent claim 1 has been amended to include the element “a check processing service communicationaly linked to the location-base device . . . wherein the check processing service processes the electronic file in two or more different manners depending on the type of the accounts receivable check as indicated by the tag, wherein at least one of the two or more different manners comprises printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing” (underlining supplied). Independent claims 9, 22, 36, and 50 have been similarly amended.

This amendment is fully supported by the Applicants’ specification, which describes that in certain embodiments of the claimed inventions, “[t]he check processing service processes the electronic file in two or more different manners depending on the type of the accounts receivable check as indicated by the tag” (underlining supplied), *see* para. [0007]. As the specification describes:

In one embodiment, the check processing service's two or more manners of processing the electronic file includes electronic processing of the electronic file via an automated clearing house for checks that are eligible for the subsequent electronic processing. In one embodiment, the check processing service's two or more manners of processing the electronic file includes printing an image associated with the accounts receivable check from the electronic file and subsequently processing the printed image via a federal clearing house for checks

that are not eligible for the subsequent electronic processing. (underlining supplied)

Para. [0009].

Consequently, a merchant using certain embodiments of the Applicants' claimed inventions can convert an accounts receivable check "without having the merchant determine whether or not the accounts receivable check is eligible for subsequent electronic processing." *See also* para. [0007].

Goeller does not appear to disclose or suggest at least the element: "a check processing service communicably linked to the location-base device . . . wherein the check processing service processes the electronic file in two or more different manners depending on the type of the accounts receivable check as indicated by the tag, wherein at least one of the two or more different manners comprises printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing" (underlining supplied). Rather, *Goeller* appears to be able to process only those checks that are eligible for electronic processing, but not those checks that are not eligible for electronic processing.

While *Goeller* states that it can accept "any personal check" from a merchant "that accepts consumer checks in payment for merchandise or services," *see* para. [0012], *Goeller* also admits that "certain checks may not legally be used," *see* par. [0042]. As *Goeller* explains, "corporate checks, government checks, traveler's checks, checks not linked to an ABA demand deposit account, checks drawn on invalid ABA numbers, checks not linked to an ABA demand deposit account, checks drawn on invalid ABA numbers, etc., are not currently accepted within the system." *Id.* Thus, *Goeller* appears unable to process some types of checks.

Certain embodiments of the claimed inventions, in contrast, "process[] the electronic file in two or more different manners depending on the type of the accounts receivable check as indicated by the tag," where the "tag . . . indicates the type of the accounts receivable check." and "without having the merchant determine whether or not the accounts receivable check is eligible for subsequent electronic processing." *Goeller* appears to show that a merchant must be able to distinguish between those checks that *Goeller* can and cannot electronically process. *See, e.g.,* para. [0042].

The present Office Action asserts that selecting “Conversion Only” in *Goeller* is equivalent to the element “processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing.” See p. 15. But as *Goeller* describes, “[i]f the request is for Conversion Only, then in step 488 the third party, at a minimum, verifies that the check is eligible to be converted into an ACH item” (underlining supplied). See para. [0069].

As described in the Applicants’ specification, “the ACH 110 [Automated Clearing House] typically processes electronic check transactions and the FCH 114 [Federal Clearing House] typically processes paper check transactions.” See para. [0082]. Consequently, since the ACH processes electronic check transactions, and “Conversion Only” only confirms that a “check is eligible to be converted into an ACH item,” selecting “Conversion Only” in *Goeller* appears only to confirm that the transaction is eligible for electronic processing via the ACH. Selecting “Conversion Only” does not appear to be equivalent to “printing an image associated with the accounts receivable check from the electronic file and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing.”

For at least these reasons, *Goeller* does not disclose or suggest the element “a check processing service communicably linked to the location-base device . . . wherein the check processing service processes the electronic file in two or more different manners depending on the type of the accounts receivable check as indicated by the tag, wherein at least one of the two or more different manners comprises printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing.” Therefore, independent claims 1, 9, 22, 36, and 50 are believed to be allowable over the cited reference. In addition, because claims 2-4, 6-8, 10-13, 15, 17-21, 23-29, 31-35, 37-41, 43, 45-50, 51-53, 55, and 57-61 are ultimately dependent from at least one of these independent claims, for which arguments of patentability have been presented above, the dependent claims are likewise believed to be in condition for allowance.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

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